

State of South Dakota

EIGHTIETH SESSION LEGISLATIVE ASSEMBLY, 2005

400L0681

SENATE ENGROSSED NO. **SB 220** - 02/15/2005

Introduced by: The Committee on Agriculture and Natural Resources at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to establish the South Dakota Certified beef program, to
2 create the South Dakota Certified beef fund, and to declare an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. This Act shall be cited as the South Dakota Certified Beef Program Act of 2005.

5 Section 2. Only beef products, whether live animals or finished consumer products, which
6 have been produced by registered participants in full compliance with all the applicable
7 requirements of this Act may be certified, identified, classified, packaged, labeled, or otherwise
8 designated for sale inside or outside this state as South Dakota Certified™ Beef.

9 Section 3. The secretary of the Department of Agriculture may establish quality protocols,
10 guidelines, program requirements, license fees, and license requirements and operate, supervise,
11 and control the South Dakota Certified beef program.

12 Section 4. The use of any certification mark, trademark, service mark, copyright, or label
13 of the South Dakota Certified beef program shall be in accordance with the terms and conditions
14 of a valid license issued by the secretary. A violation of this section is a Class 6 felony.

15 Section 5. Any data or financial information made or received by the secretary of agriculture



pursuant to this Act is not public record and is exempt from the provisions of § 1-27-1. However, the secretary may provide information gathered pursuant to this Act to any government agency if the information is needed for a government sponsored animal identification tracking program or for any public health or safety reason.

Section 6. The secretary of agriculture may by rule promulgated pursuant to chapter 1-26, prescribe the following:

- (1) Qualifications or conditions for using any intellectual property right, mark, or label of the South Dakota Certified beef program;
- (2) Reasonable fees for licenses and services of the program, such fees to be reasonably commensurate with the cost of developing, administering, and marketing the program;
- (3) License application procedures, the terms and conditions of any license, and any official form the secretary deems necessary and appropriate;
- (4) Methods and means of conducting inspections, keeping records, and otherwise insuring program compliance by participants in the program; and
- (5) Provisions to maintain the confidentiality of business information provided to the secretary by participants in the program.

Section 7. In addition to any other remedy provided by law, the secretary may proceed by suit in any court of competent jurisdiction to enforce the terms and provisions of this Act and of any license issued pursuant to this Act. The secretary may as a part of any such suit seek injunctive relief.

Section 8. In addition to any other remedy provided by law, the secretary may revoke a license for cause pursuant to chapter 1-26.

Section 9. The secretary of agriculture and the secretary of tourism and state development

1 shall consult and cooperate, and shall exchange such services, personnel, and information as are
2 necessary and appropriate in order to develop, administer, and market the South Dakota
3 Certified beef program.

4 Section 10. There is hereby created within the state treasury the South Dakota Certified beef
5 fund, into which all license fees, inspection fees, and other fees or revenues paid to the state
6 from the operation of the South Dakota Certified beef program shall be deposited. All moneys
7 in the fund created by this section shall be used for the purpose of developing, administering,
8 and marketing the South Dakota Certified beef program. Expenditures from the fund shall be
9 appropriated through the normal budget process.

10 Section 11. Whereas, this Act is necessary for the support of the state government and its
11 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
12 full force and effect from and after its passage and approval.